

AUGUST 21, 2017

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Chairman Ali Vaezi at 7:30 PM.

1. posting a notice of this meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Express Times;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Present: Vaezi, Farino, Mayor Watters, Hayes, Hight, Spender, Minter, Jewell, Cruts, Petteruti.

Absent: Barton, Keggan, Creedon.

Also present: William Edleston, Esquire; Drew DiSessa, P.E.

The Pledge of Allegiance was recited.

Regarding the minutes of the June 20, 2017 meeting, Vaezi mentioned the block and lot numbers for Case #17-03, Harry W. Paas should be checked. The application appeared to indicate the block and lot numbers in the minutes were incorrect. Vaezi also stated paragraph six on page three, and the discussion about The Meadows project, should reflect that Ryan Homes are the new builders of the project. Cruts amended the first sentence of the third paragraph on page three to read "Cruts **asked if** the County Agriculture Board . . ."

MOTION was made by **MAYOR WATTERS** to approve the **minutes** of the **June 20, 2017** meeting, as amended.

SECONDED: HIGHT.

Those in favor: Farino, Mayor Watters, Hayes, Hight, Spender, Minter, Cruts, Vaezi.

Opposed: None.

Abstained: None.

Regarding the resolution for Case #17-03, Henry W. Paas, Edleston explained there should be a deed restriction added to the effect that the proposed carport cannot be converted to living space. DiSessa stated a time frame should also be added.

MOTION was made by **VAEZI** to approve the resolution for **Case #17-03, Henry W. Paas**, with the suggested amendments.

SECONDED: HAYES.

Those in favor: Mayor Watters, Hayes, Hight, Spender, Minter, Cruts, Farino, Vaezi.

Opposed: None.

Abstained: None.

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Case #16-04, Rhodes-Sheninger Minor Subdivision Extension Request

Present for the applicant: Eugene Sheninger

Spender recused himself from this discussion.

Sheninger explained the Warren County approval has not been received. Sheninger explained the final drawing submission has been submitted to the county, and approval is anticipated. Sheninger requested an extension of time to November 10, 2017 in order to file the deeds.

There were no questions or comments from the board members or the members of the general public.

MOTION was made by **FARINO** to grant an extension for Case #16-04, Rhodes-Sheninger Minor Subdivision until November 10, 2017, subject to the Warren County Planning Board approval.
SECONDED: HAYES.

AMENDED MOTION was made by **FARINO** to include the extension of time for filing of the minor subdivision deeds to the November 10, 2017 date.
SECONDED: HAYES.

Those in favor: Hayes, Hight, Minter, Jewell, Cruets, Farino, Mayor Watters, Vaezi.
Opposed: None.
Abstained: None.

Spender returned to the board.

Case #17-04 Elaine R. Cacciarelli Variance application

Present for the applicant: Elaine R. Cacciarelli; Robert Cacciarelli

Hight recused herself from the hearing, and Petteruti replaced her on the dais.

The Chairman asked if the taxes were current on the property, and Cacciarelli replied they are.

Cacciarelli was sworn in by Edleston, and explained she was requesting variances for acreage and frontage. Cacciarelli stated she had owned the subject vacant property for forty plus years, and there has never been a structure on the property. She stated she was unable to purchase land from an adjacent lot in order to remediate the issue.

Farino explained there were one-acre zones in the past, but over time, zone acreage minimums changed. Farino asked if the lot was ever subdivided off from another lot, and Cacciarelli replied it had not.

Cacciarelli stated the lot was purchased when the zoning was one-acre zoned, and it was purchased as an investment property.

DiSessa explained the variances being requested were for an undersized lot according to today's zoning, and minimum lot area and width. DiSessa explained the section in the Ordinance addressing pre-existing vacant lots.

Cruts asked if there was a Highlands issue. DiSessa explained there are exemptions from the Highlands Council regulations. DiSessa explained the Highlands exemption would be based on the final house design, and the overall plan. DiSessa explained the minimum lot width variance wouldn't apply, because of the existing lot requirements. DiSessa further stated the completeness issues were outlined in his report of August 10, 2017. DiSessa explained the applicant was seeking approval prior to obtaining Warren County Board of Health, but any approval would be subject to outside agency approvals.

MOTION was made by **FARINO** to deem the application for **Case #17-04, Elaine R. Cacciarelli** complete.

SECONDED: HAYES.

Those in favor: Spender, Minter, Jewell, Cruts, Petteruti, Farino, Mayor Watters, Hayes, Vaezi.

Opposed: None.

Abstained: None.

Vaezi mentioned the zoning went from three to five acres in the 1990's, and DiSessa replied that was correct. Minter asked if the surrounding small lots are developed, and Mayor Watters replied most are built on. DiSessa speculated that the lot was part of a major subdivision given the lot number. DiSessa stated a driveway permit would also be necessary from the Warren County Planning Board, because it is situated on a county road. DiSessa also stated the well and septic designs submitted by the applicant predate the current regulations, and would need to be updated. Farino asked if there could be a water issue like in Grandview. DiSessa replied a well test should be done in order to determine that they can obtain water after construction.

The Hearing was opened to the general public for comments and questions.

Beverly Manetta and Dennis Dillon, 882 Jackson Valley Road, were sworn in by Edleston. Manetta stated she was opposed to the approving of the variance in order to build on the lot. Manetta stated the current zoning is five acres, and even at the 50% should have been more than equal to the proposed lot. Manetta stated she has been in the area for thirty years, and has raised sheep. Manetta stated the subject lot is wet, and development would impair the intent of the agricultural zone.

Susan Predl, 871 Jackson Valley Road, was sworn in by Edleston. Predl read a prepared statement, and stated she objected to the development of the subject lot. Predl stated the applicant could appeal her tax assessment if she felt she was paying too much. Predl stated the five-acre zoning supports agriculture, and quoted the Master Plan. Predl stated the lot is in the Pohatcong Creek Valley, and has been a wet lot for a lot of years. Predl stated she is a wildlife biologist, and cited a few animal species that could be endangered if the lot were to be developed. Predl stated she understood the applicant's wanting to build on her lot, but it would decrease the open space enjoyment of others in the area. Edleston asked Predl the size of her lot. Predl replied she built her home in 1950 on .7 acres.

Jane Langfritz, 844 Jackson Valley Road, was sworn in by Edleston. Langfritz stated she has lived in the area for 17 years, and there isn't really much around the area. Langfritz stated a neighbor was digging, and now the water is orange. Langfritz stated she has health concerns given the color of her water, and more development could only impact the situation. Langfritz stated her home is on 1.6 acres, and she also owns 3.0 open space.

Mark Hagner, 877 Jackson Valley Road, was sworn in by Edleston. Hagner stated he is opposed to any development of the subject lot. Hagner expressed concern over an impact to his well and septic systems. Hagner stated the area is a wet area, and surface runoff is also a concern. Hagner stated his home was built 100 years ago, and sits on 1.33 acres.

Deborah Hagner, 877 Jackson Valley Road, was sworn in by Edleston. Hagner stated there are water problems in the area, and they have spent thousands of dollars on water remediation. Hagner stated the situation became worse after the State paved the road, which elevation is now higher than it was previously. Hagner stated she was opposed to another home in the area. Hagner stated she feels bad for Cacciarelli, but another home will only add to the existing problems.

The hearing was closed to the public since there were no further comments or questions.

Cacciarelli stated she appreciated the comments from the neighbors, but she purchased a buildable lot and has been paying taxes on it for thirty years.

Farino stated the NJDEP would regulate the construction if it is in the wetlands. Farino stated the Warren County Board of Health will also make the determination if the quality and quantity of water is available.

Edleston stated the lot is a grandfathered lot, but not necessarily buildable.

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Robert Cacciarelli, 396 Hoffman Road, was sworn in by Edleston. R. Cacciarelli stated they didn't know about the re-zoning of the lot. They have kept the taxes current, and are paying for schools and infrastructure just like everyone else.

DiSessa stated any approval could be conditioned on an approved well and septic, wetlands determination, driveway permit, etc. DiSessa stated, being unable to obtain the outside agency approvals may preclude her from building anyway.

Jewell asked if the lot was up for sale a few years ago. Cacciarelli replied that she had it for sale, but the economy was bad and she had no offers. Jewell stated he thought some soil logs were done in the past, and the lot wasn't buildable. Hight stated it was the lot next door, and it wasn't buildable. Jewell recommended doing some soil logs.

Manetta stated the applicant cannot meet the 50% Ordinance requirement. Edleston replied that is the reason for the variance request.

MOTION was made by **FARINO** to approve the minimum lot area variance request for **Case #17-04**, Elaine R. Cacciarelli, subject to all third-party agency approvals.

SECONDED: HAYES.

Those in favor: Jewell, Cruts, Petteruti, Farino, Mayor Watters, Hayes, Spender, Vaezi.

Opposed: Minter.

Abstained: None.

The Meadows at Mansfield Discussion

Present for the applicant: William Hotz

Hotz, 10 Peapack Road, Far Hills, New Jersey, was sworn in by Edleston. Hotz explained a brief history behind The Meadows project. Hotz explained that financing has been difficult to obtain. Hotz stated the developer is responsible for the improvements and infrastructure, and Ryan Homes will be responsible for marketing of the lots. Hotz further explained a brief history with the relationship with NJ American Water. Hotz indicated it is the developer's obligation to extend the outer water line, but have hit rock. Hotz explained they approached NJ American Water to draw the water from the Andersontown Water Facility. NJ American Water stated that was acceptable, but they wanted a performance bond, which has been provided. Hotz explained about fire flow requirements, and stated a supplemental system would be supplied to make up the difference between the obtainable flow, and the requirement. Farino asked if the final pipe is finished would it increase the capacity, and Hotz replied that it would.

Hotz explained there is an 8" water line from the Andersontown system, and they would supply a 10,000-gallon water storage tank to supplement the system. Hight stated the board should obtain a letter from NJ American Water agreeing to the proposal. Hotz explained that only twenty-three homes would be allowed to be constructed, and that would be the capacity provided by the Andersontown facility. Hotz stated the ultimate capacity would come from the Washington Boro line.

Edleston asked if the Andersontown system would be disconnected once the NJ American Water line is complete. Hots replied that it would connect the entire system, and backflow into it. Edleston asked when NJ American Water anticipated to install the line. Hotz replied they would begin the work now, and the installation would take between twelve and twenty months. Edleston asked when Ryan Homes anticipated construction. Hotz replied it would take 60 to 90 days to build a model, and that won't start until the water main to the lot, and the paving, is done. Edleston asked if Hotz had contacted the Fire Department, and Hotz replied he had not.

Further discussion took place regarding the water line issue.

Edleston agreed that something in writing should be obtained from NJ American Water, and also the change should be shown on the plan. Hotz asked that the board give an approval subject to the NJ American Water letter, and the change being shown on the final site plan. Hotz stated they would like to keep the momentum moving forward. Hotz agreed that the water line meet a 500 gallon per minutes minimum, the installation of a 10,000-gallon supplemental tank, the construction of twenty-three homes maximum, and additional escrow fees. Mayor Watters asked about paying inspection fees, and Hotz agreed they would be responsible for the inspection fees for this matter. DiSessa stated the would also like to see the main extension agreement as well.

Hayes asked what would happen if the main isn't built. Hotz replied there is a performance bond in place. Hayes asked who would own the sanitary system, and Hotz replied that would be owned by the HOA, and the 10,000-gallon tank would be on HOA property.

Edleston stated the Board could authorize a draft resolution approving the matter, subject to being shown on the sketch plat, the letter from NJ American Water, a copy of the water main extension agreement being submitted, twenty-three home maximum construction on this system, 100 % of the inspection fees paid by the developer, and the work being completed within twelve months. Hotz stated he would need a copy of the draft resolution as soon as possible in order to move forward.

Mayor Watters asked the time frame from start to finish for the proposed water line. Hotz replied it would be 10 to 12 months, but there would be a twenty-three house maximum anyway. Farino asked if the fire hydrants were installed, and Hotz replied there would be live hydrants.

Vaezi asked if there were any comments or questions from the members of the general public.

Carol Thompson, Route 57, expressed concern that the existing residential properties would be effected by tapping into the Andersontown system, and asked if the levels of the wells would be effected. Minter stated that issue would be up to NJ American Water to determine.

Vaezi stated the project had already received approval, and this is a phasing issue.

MOTION was made by **SPENDER** authorizing Edleston to draft a resolution approving the change as outline above, and with the stipulations as outlined by Edleston above.

SECONDED: MAYOR WATTERS.

Those in favor: Jewell, Cruts, Farino, Mayor Watters, Hight, Spender, Minter, Vaezi.

Opposed: None.

Abstained: Hayes.

There was no old/new business.

The meeting was opened for public comment.

Carol Thompson, Route 57, mentioned her ongoing issue with the NJ Cars junk yard operation. She asked to be supplied with correspondence written by Edleston and DiSessa regarding the matter. Edleston explained that DiSessa wrote a letter interpreting the resolution, and felt the issue was made clear. DiSessa maintained the resolution needed to be read in context with the testimony. Thompson demanded to be supplied with something in writing explaining DiSessa's interpretation that she could take to her lawyer. DiSessa referred to conditions C., D., and E. of the resolution, with condition E. limiting the parking of the vehicles to condition C. (or employees and customers).

The public portion of the meeting was closed.

Vaezi mentioned that Patti Zotti, Secretary to the Board, was retiring, and that the September meeting would be her last. Zotti's replacement, JoAnn Griffith, was in the audience, and Zotti stated she was sure the transition would be a smooth one. Zotti mentioned having Griffith in the office full time as also the Deputy Clerk would be a benefit to the Mansfield Township residents.

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Farino asked what could be done about the Thompson resolution. Cruts stated that area of Route 57 is a commercial area, and the junk yard has been there for a lot of years. Minter stated it was recommended that the NJ Cars folks come to the board for their own clarifying application, but they didn't.

MOTION was made by **SPENDER** to authorize payment by the Township Committee the invoices submitted by the professionals.

SECONDED: FARINO.

Those in favor: Cruts, Farino, Mayor Watters, Hayes, Hight, Spender, Minter, Jewell, Vaezi.

Opposed: None.

Abstained: None.

The Chairman adjourned the meeting at 10:06 PM.

Respectfully submitted,

Patricia D. Zotti, Clerk

As Written